

CORTESE-KNOX-HERTZBERG LOCAL GOVERNMENT REORGANIZATION ACT

The statutes governing the activities of the Local Agency Formation Commission are found under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. The declared state policy for LAFCO is found in Section 56301 of the Government Code:

"Among the purposes of a Local Agency Formation Commission are the discouragement of urban sprawl and the encouragement of the orderly formation and development of local agencies based upon local conditions and circumstances."

"One of the objectives of the Local Agency Formation Commission is to make studies and to obtain and furnish information which will contribute to the logical and reasonable development of local governments in each county and to shape the development of local governmental agencies so as to advantageously provide for present and future needs of each county and its communities."

The Cortese-Knox-Hertzberg Act gives LAFCO the authority to "approve or disapprove, with or without amendment, wholly, partially, or conditionally" a wide variety of proposals for jurisdictional change. These include, but are not limited to, proposals for:

- * Annexation of territory to cities or special districts.
- * Exclusion of land from cities or special districts.
- * The consolidation of two or more cities, or two or more special districts formed under the same principal act.
- * The formation of new special districts and the incorporation of new cities.
- * The dissolution of special districts and disincorporation of cities.
- * The merger of cities and special districts.
- * Reorganizations which involve boundary changes to two or more cities or special districts as part of one proceeding.
- * Review and approval or denial of city or special district contracts for service outside their boundaries.

In addition to these review powers, the Commission has the authority to initiate and make studies of existing governmental agencies, which may include inventorying such agencies. As of July 1, 1994, based upon the findings of its special studies, the Commission has the authority to initiate proposals for consolidation of special districts, the merger of a special district with a city, the dissolution of a special district, the establishment of a subsidiary special district, or a reorganization which includes any of these outlined changes.

The Act provides the following powers and duties, among others, to LAFCO:

1. To review and approve or disapprove with or without amendment, wholly, partially, or conditionally, proposals for the incorporation of cities, for changes of organization of cities, and municipal reorganizations.
2. To determine whether territory proposed for annexation or detachment, or municipal reorganization is inhabited or uninhabited. ("Inhabited" means an area contains twelve [12] or more registered voters.)
3. With regard to a proposal for consolidation of two or more cities, to determine which city shall be the consolidated, successor city.
4. To waive the statutory restrictions against creation of islands (unincorporated areas totally or substantially surrounded by city boundaries) if the Commission finds that the application of the restrictions would be detrimental to the orderly development of the community and that the area would be enclosed as a result of incorporation or annexation and is so located that it cannot reasonably be annexed to another city or incorporated as a new city.
5. To approve the annexation of unincorporated, noncontiguous territory not exceeding 300 acres in area, located in the same county as that in which the city is located, and which is owned by a city and used for municipal purposes; and to authorize the annexation such territory without notice or hearing. In addition, the Commission has the authority to approve the annexation of non-contiguous territory that is used as a state correctional facility, with no acreage limitation.
6. To establish spheres of influence for all cities and special districts within the county, and to review those spheres of influence at least once every five years.
7. To conduct "service reviews" on a regional or subregional basis, evaluating infrastructure needs or deficiencies, growth and population projects, financing constraints and opportunities, and other issues. These reviews can occur in conjunction with sphere of influence studies, and must be conducted at least once every five years.